

IN RE:            RICHARD GALLIVAN                      )        OEIG Case #17-02400

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In addition, the complaint alleged that [rest of sentence related to an unfounded allegation and, therefore, is redacted].

## **II. BACKGROUND**

Mr. Gallivan began his UIUC employment in 2007 as an Architectural Draftsman and, at the time of the complaint and during the OEIG investigation, served as a Construction Project Coordinator II. A Construction Project Coordinator II is a Civil Service position<sup>3</sup> that manages UIUC construction by coordinating inside and outside contractors, selecting outside vendors, and managing projects through to completion. The position requires the use of architectural design software called AutoCAD to develop plans for constructions projects. AutoCAD is produced by Autodesk, Inc.

In addition to his UIUC employment, Mr. Gallivan owns a business, Gallivan's Drafting & Design, which designs residential architectural plans for individuals and developers. The business is based in Philo, Illinois.<sup>4</sup>

## **III. INVESTIGATION**

The OEIG reviewed Mr. Gallivan's UIUC email account as well as multiple documents, including Mr. Gallivan's personnel file, Mr. Gallivan's bank records, and UIUC Department of Facilities and Services vendor contract awards. Investigators also interviewed several individuals, including Mr. Gallivan, [UIUC Employee], and [redacted information related to unfounded allegation].

### **A. Mr. Gallivan's Use Of His UIUC Email Account For His Personal Business**

UIUC defines its computing and network communications infrastructure, IllinoisNet, as the "campus backbone and local area networks, all equipment connected to those networks (independent of ownership), and all equipment registered to any domain owned by the University."<sup>5</sup> IllinoisNet "exists to support the educational, research, and public service missions of the University, and its use should be limited to those purposes."<sup>6</sup> UIUC's policy regarding "Appropriate Use of Computers and Network Systems" states "[n]o individual may use IllinoisNet resources for commercial or profit-making purposes or other purposes that interfere with the mission of the University."<sup>7</sup> Additionally, IllinoisNet may not be used for "unauthorized use of licensed software."<sup>8</sup>

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<sup>3</sup> <https://www.sucss.illinois.gov/specs/detail.aspx?ID=3021&osm=c19> (last accessed April 22, 2019).

<sup>4</sup> <http://www.rickgallivan.com/> (last visited February 28, 2019).

<sup>5</sup> <https://cam.illinois.edu/policies/fo-07/> (last accessed May 13, 2019).

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

## 1. OEIG's Review of Mr. Gallivan's UIUC Email Account<sup>9</sup>

The OEIG obtained and reviewed Mr. Gallivan's UIUC emails from May 2017 through January 2018.<sup>10</sup> In its review, investigators discovered 88 emails not involving UIUC work,<sup>11</sup> and 70 of those emails specifically related to Gallivan's Drafting & Design. Mr. Gallivan used his UIUC email account for his Gallivan's Drafting & Design business in the following ways:

- Mr. Gallivan sent five emails directly from his UIUC email account to Gallivan's Drafting & Design customers;
- 30 emails were sent to his UIUC email account (either as the primary recipient or carbon copy) that were related to Gallivan's Drafting & Design;
- Mr. Gallivan forwarded 25 emails between his personal email address and his UIUC email address; and
- Mr. Gallivan copied his UIUC email address on 10 emails he sent from his personal email address to third parties.

The emails in Mr. Gallivan's UIUC email account that related to Gallivan's Drafting & Design primarily dealt with discussions of architecture design plans. For example, on Friday, June 30, 2017, at 12:40 p.m., Mr. Gallivan received an email in his UIUC email from a customer seeking information regarding building an addition on her home, including feasibility and costs. That same day at 3:18 p.m., Mr. Gallivan replied to the sender from his UIUC email address providing answers to her questions. In an email thread dated June 17, 2017, through July 10, 2017, Mr. Gallivan used his UIUC email address three times to discuss a home construction project with customers.

In addition to using his UIUC email to communicate and do personal business with potential customers, Mr. Gallivan used his state email account as a point of contact in his signature block for Gallivan's Drafting & Design, as shown below.

**Gallivan's Drafting & Design**  
Rick Gallivan  
[street address redacted]  
Philo, IL 61864  
(217) [redacted] (Cell)  
[rick@\[personal email redacted\].com](mailto:rick@[personal email redacted].com)  
[rgallivan@illinois.edu](mailto:rgallivan@illinois.edu)

## 2. Interview of Mr. Gallivan Regarding the Use of his Email Account

Mr. Gallivan was interviewed by the OEIG on January 17, 2019. He stated that he was a Construction Coordinator II and was responsible overseeing internal trade employees and outside

<sup>9</sup> Investigators counted each incoming email and each outgoing email as one individual communication, even if the emails were part of a conversation.

<sup>10</sup> Mr. Gallivan confirmed during his OEIG interview that his UIUC email address was [rgalliva@illinois.edu](mailto:rgalliva@illinois.edu) and [rick@\[personal email redacted\].com](mailto:rick@[personal email redacted].com) was his personal email address, which he used for Gallivan's Drafting & Design.

<sup>11</sup> Of the non-UIUC related emails, 18 emails pertained to personal topics such as personal investments, bookkeeping, and the sale of a personal property.

contractors who work on UIUC projects. Mr. Gallivan admitted that he used his UIUC email account or network for Gallivan's Drafting & Design purposes, and explained that he had sent emails back and forth between his personal email address and his UIUC email address, including attached drawings, so that he would have the emails for "viewing or possession." Mr. Gallivan told investigators that he sometimes has to refer to Gallivan's Drafting & Design documents if a customer calls him during his UIUC working hours. According to Mr. Gallivan, his personal use of email "cannot be avoided." When asked, Mr. Gallivan acknowledged that his conduct violated the use policy.

Mr. Gallivan initially denied using his UIUC email address as a contact email for Gallivan's Drafting & Design. However, when investigators provided him with a document titled "Email Title Block" that showed his UIUC email address as a contact for Gallivan's Drafting & Design, Mr. Gallivan said "oh yeah, I guess I have, sorry." He stated that he did not know when he started using his UIUC contact information for his business but that he would have included it in case a customer needed to reach him. According to Mr. Gallivan, he believed that it was okay to have Gallivan's Drafting & Design customers contact him through his UIUC email account, but he admitted that no one ever gave him permission to use his UIUC email address as a contact. After reviewing a UIUC policy titled "An Easy Guide to the Appropriate Use Policy at the University of Illinois at Urbana-Champaign," Mr. Gallivan ultimately acknowledged that he was not allowed to use his UIUC email address for Gallivan's Drafting & Design and that the emails related to his secondary employment were not an appropriate use of UIUC computers or networks.

### **3. Interview of UIUC [Employee]**

On June 6, 2018, the OEIG interviewed [UIUC Employee] who explained that he was responsible for [identifying information redacted]. The OEIG reviewed some of Mr. Gallivan's emails from his UIUC account with [UIUC Employee]. [UIUC Employee] affirmed that he did not think it was appropriate for Mr. Gallivan to include his state email address as a contact for his personal business. He said it was also inappropriate if Mr. Gallivan used his UIUC email address to review or respond to emails pertaining to Gallivan's Drafting & Design. [UIUC Employee] stated that he was unaware Mr. Gallivan had used his UIUC email address for his personal business.

#### **B. Mr. Gallivan's Personal Use Of AutoCAD**

AutoCAD is an architectural design software product used to develop plans for construction projects. UIUC's Information Technology department offers licenses for AutoCAD software through the UIUC Webstore. Different levels of the software are available based on an individual's role in a construction project. The UIUC Webstore contained a link to the Autodesk website, producers of AutoCAD, that offered an "Autodesk Education Community License." The offer stated that use of the license was limited to "personal use for educational purposes" and was "provided without charge to Education Community members" and was for use "solely for purposes directly related to learning, teaching, training, research or development" and was not to be used "for commercial, professional or any other for-profit purposes."<sup>12</sup>

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<sup>12</sup> <https://webstore.illinois.edu/shop/product.aspx?zpid=1202> (last accessed April 22, 2019.)

During its email review, the OEIG uncovered eight emails involving Mr. Gallivan's request to access AutoCAD from his personal computer. The emails between Mr. Gallivan and the UIUC Technology Services Help Desk discussed Mr. Gallivan's problems with installing AutoCAD from the UIUC Webstore on his personal computer, attached screenshots of the error message Mr. Gallivan received, and included information on steps for connecting to the UIUC data networks in order to use AutoCAD "from off campus, at home."

### **1. Interview of Mr. Gallivan Regarding his Personal Use of UIUC AutoCAD**

During his OEIG interview, Mr. Gallivan stated that he did not work from home to complete UIUC projects and he was not assigned a UIUC computer in order to do UIUC work from home. However, he stated that he would answer calls and emails related to UIUC projects while at home because it is "smart business," though he is not required to do so.<sup>13</sup>

Mr. Gallivan explained that AutoCAD is drafting software he uses to design or produce drawings for UIUC projects. He initially told investigators that he did not use the UIUC AutoCAD license at home because he had other design software with more limited features that he used. However, Mr. Gallivan later explained that the UIUC webstore offered an educational use AutoCAD license at a discounted rate, and he acknowledged that he acquired the license from the UIUC webstore for home access of a full version of AutoCAD. Mr. Gallivan acknowledged that he requested the full version AutoCAD license from the UIUC webstore to gain home access.

When reminded that he had previously stated he did not do UIUC work from home, Mr. Gallivan admitted that, when he got a new computer at home in January 2018, he obtained an educational license for AutoCAD from the UIUC Webstore, and used it to open files for Gallivan's Drafting & Design that he could not open with the limited feature versions he already had. Mr. Gallivan said that he downloaded the AutoCAD 2013 license from the UIUC webstore specifically for Gallivan's Drafting & Design and did not intend to use it for any other purpose. Mr. Gallivan then told investigators that he did not purchase a license for AutoCAD for his business because of "cost" and he explained that he did not want to pay for it.

Mr. Gallivan said he was not "sure" if it was appropriate to use the UIUC license for his business, but he then stated that the UIUC license was available for whatever personal use he wanted. Mr. Gallivan told investigators that he thought there was information in the UIUC Webstore that provided instructions on how licenses could be used. However, he said that he did not know if he was compliant because he never read the information.

With regard to using AutoCAD at work, Mr. Gallivan stated that he had never drawn on UIUC's AutoCAD program at work for Gallivan's Drafting & Design. However, he acknowledged that he used the software to view plans if customers called him while he was at work.

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<sup>13</sup> When asked how he accounts for his time responding to UIUC work emails at home, Mr. Gallivan told investigators that he is permitted to earn compensatory time without supervisor approval. He said that this time is self-tracked. He explained that when he uses the compensatory time, he does not document it on his timesheet. Rather, he reports his full working hours for that day even though he uses some compensatory time. Mr. Gallivan stated that he does not really track or use such time, but he reiterated that he is allowed to do so. He stated that [UIUC Employee] told him and others in 2016 that this was permissible.

## 2. Interview Of [UIUC Employee] Regarding AutoCAD

With regard to AutoCAD use, [UIUC Employee] said that it would be inappropriate for an employee to use UIUC's AutoCAD software for personal use. [UIUC Employee] stated that there might be certain situations where an employee would be given approval from their supervisor to work from home, but he explained there was really nothing for a Construction Project Coordinator II to do from home. [UIUC Employee] told investigators that Mr. Gallivan had not requested work from home access.

### C. Review Of Mr. Gallivan's [Redacted]

This section, consisting of approximately 2 and one-half pages, relates to unfounded allegations and the Commission exercises its authority pursuant to 5 ILCS 430/20-52 to redact it.<sup>14 15 16 17 18</sup>

## IV. ANALYSIS

### A. Richard Gallivan Improperly Used UIUC Email For His Personal Business

UIUC policy prohibits employees from using UIUC's data and communications networks, including email, for commercial or profit-making purposes. The OEIG limited its review of Mr. Gallivan's UIUC email account to May 2017 through January 2018 and, within that limited time frame, discovered 70 email communications related to Gallivan's Drafting & Design. Those communications ranged from discussions of prospective projects to amending existing plans. While a small number of those emails were messages from Mr. Gallivan's UIUC email to customers, he habitually forwarded emails between his personal email account and his UIUC email account, and he included his UIUC email account as a carbon copy recipient when replying to customers from his personal account. In addition, Mr. Gallivan invited customers to message him at his UIUC email address by including that address in the signature block for his private business.

Mr. Gallivan's explanation that he forwarded Gallivan's Drafting & Design emails to his UIUC email address only for reference in the event a customer called him does not mitigate his violation of UIUC policy. This use of UIUC email was for his personal business and therefore for commercial or profit-making purposes. Mr. Gallivan ultimately acknowledged that such use was improper and in violation of UIUC's policy prohibiting the use of UIUC's data and communications networks for commercial or profit-making purposes.

For these reasons, the allegation that Richard Gallivan improperly used his UIUC email address is **FOUNDED**.<sup>19</sup>

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<sup>14</sup> [Redacted].

<sup>15</sup> [Redacted].

<sup>16</sup> [Redacted].

<sup>17</sup> [Redacted].

<sup>18</sup> [Redacted].

<sup>19</sup> The OEIG concludes that an allegation is "founded" when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

## **B. Richard Gallivan Improperly Used UIUC AutoCAD For His Personal Business**

UIUC data and communications policy prohibits the unauthorized use of licensed software. UIUC's Webstore stated that Autodesk software, such as AutoCAD, was offered free through the Autodesk website for educational purposes. The language reflected the language of UIUC's data and communications policy and stated that the software was provided "solely for purposes directly related to learning, teaching, training, research or development and shall not be used for commercial, professional or any other for-profit purposes."

Investigators discovered 8 emails reflecting that Mr. Gallivan had requested home use for AutoCAD. Mr. Gallivan confirmed during his interview that he downloaded an AutoCAD educational license from the UIUC Webstore and that he did so with the intent of using the educational license for Gallivan's Drafting & Design when the software he had for his business did not have the features he needed. He acknowledged that he did not intend to use the license for any other purpose other than for his personal business. This violated the terms of the education license, which explicitly stated it was not to be used for commercial, professional, or any other for profit purpose."

While Mr. Gallivan told OEIG investigators that he believed UIUC's AutoCAD educational license was available for whatever personal use he wanted, he acknowledged that he was not "sure" if he used the license appropriately and he did not read the Webstore instructions. Mr. Gallivan's use of UIUC's access to free AutoCAD software violated the policy that the software was to be used only for educational purposes and he acknowledged that he downloaded the software with the intent of using it for his personal business. For these reasons, the OEIG finds sufficient evidence that Richard Gallivan engaged in improper and unauthorized use of the education license for AutoCAD that he obtained through the UIUC webstore, and the allegation is **FOUNDED**.

## **C. Richard Gallivan's [Redacted]**

This section, consisting of two and one-half paragraphs, relates to unfounded allegations and the Commission exercises its authority pursuant to 5 ILCS 430/20-52 to redact it.<sup>20 21</sup>

Because UIUC's policy requires that Civil Service staff, such as Mr. Gallivan, provide written notice of potential conflicts prior to engaging in any activity "that is or may appear inconsistent" with the employee's UIUC role, the OEIG recommends that Mr. Gallivan submit a written disclosure of this [vendor] relationship, as well as any others he believes may currently exist or arise in the future, to the appropriate manager.

## **V. FINDINGS AND RECOMMENDATIONS**

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS:**

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<sup>20</sup> [Redacted].

<sup>21</sup> [Redacted].

- **FOUNDED** – Richard Gallivan violated UIUC’s computer and network systems policy by using his UIUC email for commercial or profit-making purposes.
- **FOUNDED** – Richard Gallivan violated UIUC’s appropriate use policy by using an educational use license of UIUC’s AutoCAD software for Gallivan’s Drafting & Design.
- **UNFOUNDED** – [Redacted].

The OEIG recommends that UIUC take whatever action it deems appropriate regarding Mr. Gallivan’s inappropriate use of UIUC resources but should include ensuring that Mr. Gallivan understand UIUC rules regarding the prohibition against using UIUC resources for personal business matters and ensure that he no longer uses UIUC resources for such purpose. The OEIG also recommends that Mr. Gallivan submit a written disclosure of his relationship with [vendor] management in order for management to make a proper conflicts determination.

No further investigation is required and this matter is closed.

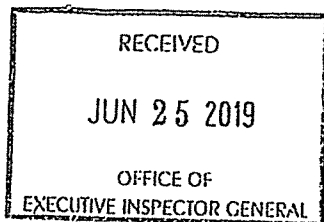
Date: 5/30/19

Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
607 East Adams, 14<sup>th</sup> Floor  
Springfield, IL 62701

**Rachel Miller**  
Assistant Inspector General

**Brandy Eller**  
Investigative Assistant





AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY  
RESPONSE FORM

Case Number: 17-02400

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

- ☒ We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

The University of Illinois System has initiated disciplinary action in accordance with established policies and procedures. Additionally, Mr. Gallivan has been advised regarding appropriate use of university resources and applicable university policy regarding disclosure of outside activities.

- ☐ We will implement some or all of the OEIG recommendations but will require additional time to do so.  
We will report to OEIG within \_\_\_\_\_ days from the original return date.

- ☐ We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

Donna S. McNeely  
Signature

Donna S. McNeely

Print Name

University of Illinois System, Executive Director of  
University Ethics and Compliance and University  
Ethics Officer

University of Illinois System, Executive Director of  
University Ethics and Compliance and University  
Ethics Officer  
Print Agency and Job Title

06/61/2019

Date

UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD  
University Ethics and Compliance Office  
Human Resources Building, Room 20  
One University Plaza, MS HRB 20  
Springfield, Illinois 62703-5407  
CHANGE SERVICE REQUESTED



PRESORTED  
FIRST CLASS

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06/21/2019

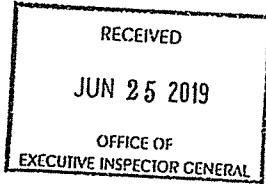
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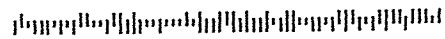
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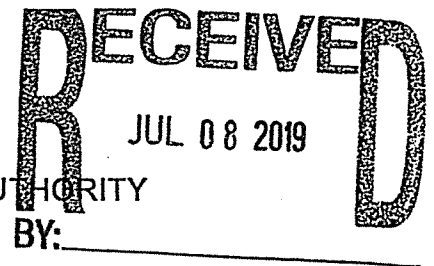
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Chicago, IL 60602

11 EMG\HAB 60602





AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY  
RESPONSE FORM

Case Number: 17-2400 Supplemental  
Response

Return 20 Days After Receipt

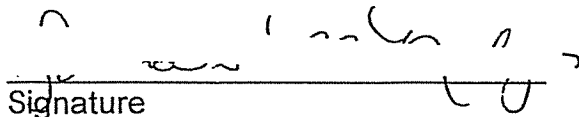
Please check the box that applies. (Please attach additional materials, as necessary.)

- ☒ We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

Mr. Gallivan has been subject to disciplinary action as a result of the findings presented. This decision-making leave, is in accordance with university policies and procedures. Additionally, Mr. Gallivan has been advised regarding appropriate use of university resources and applicable university policy regarding disclosure of outside activities.

- ☐ We will implement some or all of the OEIG recommendations but will require additional time to do so.  
We will report to OEIG within \_\_\_\_\_ days from the original return date.

- ☐ We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

  
Signature

Donna S. McNeely

Print Name

University of Illinois System, Executive Director of  
University Ethics and Compliance and University  
Ethics Officer

Print Agency and Job Title

07/02/2019

Date